

SENATE BILL

No. 1233

Introduced by ~~Senators Florez, Karnette, Murray, Perata, Scott, Soto, and Torlakson~~ Committee on Transportation (Senators Murray (Chair), Florez, Karnette, Perata, Scott, Soto, and Torlakson)

February 12, 2004

An act to amend Section 2985.8 of the Civil Code, ~~relating to vehicle contracts~~ to amend Sections 21670.3, 21674.5, 21675, and 21675.1 of the Public Utilities Code, to amend Sections 100.21, 1730, and 1953 of the Streets and Highways Code, and to amend Sections 11205.2, 13370, 21960, and 35401 of, and to add Section 314 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1233, as amended, Committee on Transportation. ~~Vehicle contracts: lease agreements~~ Vehicles.

Existing

(1) Existing law requires every lease contract for a motor vehicle to contain specified disclosures, including a disclosure that enumerates the capitalized cost of specified items.

This bill would make technical changes to these provisions.

(2) Existing law provides for land use planning relating to airports.

This bill would make technical, nonsubstantive changes in existing law relating to airport land use planning.

(3) Existing law prohibits the Department of Transportation from acquiring, except by gift, and except in hardship or protective cases as determined by the department or the California Transportation Commission, any real property for a freeway through a city until an

agreement is first executed with the city council, or for a freeway through unincorporated territory in a county until an agreement is first executed with the board of supervisors, except that a city council may authorize the purchase of rights-of-way prior to approval of an agreement if the purchase is limited to the main line corridor of the proposed freeway and the alignment of the freeway is not at issue.

This bill would extend the exception specified above to a county board of supervisors.

(4) Existing law authorizes a city or county to adopt a golf cart transportation plan. The transportation plan is prohibited from including the use of any state highway, or any portion thereof.

This bill would authorize the plan to include the use of a state highway or portion thereof if that use is authorized by the Department of Transportation.

(5) Existing law authorizes a local authority to prohibit or restrict, by ordinance or resolution, the use of a freeway under its jurisdiction, or any portion thereof, by pedestrians, bicycles, or other nonmotorized traffic, or by any person operating a motor-driven cycle, motorized bicycle, or motorized scooter.

This bill would extend to expressways, as defined, the authority to prohibit or restrict access, as specified.

The bill would authorize a county, if any portion of a county freeway or expressway is contained within the limits of a city within the county, to erect signs on that portion, as specified.

The bill would prohibit, on and after January 1, 2005, an ordinance adopted by a county to prohibit or restrict pedestrian use of a portion of county freeway or expressway contained within the limits of a city from becoming operative until approved by the city.

To the extent that these provisions would impose new requirements upon local authorities, the bill would establish a state-mandated local program.

(6) Existing law prohibits the removal of the name of a traffic violator school from specified student referral lists if the school's license has not been suspended or revoked, unless the school owner is provided a notice.

This bill would prohibit the above name from being removed from any part of a list unless the school owner is first provided a notice.

(7) Existing law requires the Department of Motor Vehicles to deny or revoke a schoolbus, school pupil activity bus, general public paratransit vehicle, or youth bus driver certificate, or a certificate for



a vehicle used for the transportation of developmentally disabled persons, if the applicant or certificate holder has been convicted of certain crimes, among other things.

This bill, additionally, would authorize the certificate to be denied or revoked if the applicant or certificate holder has been convicted of any of certain listed violent felonies or certain listed serious felonies. The bill would prohibit this provision from being applied to revoke a license that was valid on January 1, 2005, unless the certificate holder is convicted for an offense that is committed on or after that date.

(8) Existing law prohibits a combination of vehicles coupled together, including any attachments, from exceeding a total length of 65 feet while operated on the highways, except as specified.

Existing law exempts from that length limitation a tow truck in combination with a disabled vehicle, an abandoned vehicle, or a disabled or abandoned combination of vehicles authorized to travel on the highways, when operating under a valid annual transportation permit and within a 100-mile radius of the location specified in the permit. A tow truck in combination with the specified vehicles is authorized to exceed the 100-mile radius restriction if a single trip permit is obtained from the Department of Transportation.

This bill for a tow truck, in combination with a single disabled vehicle or a single abandoned vehicle that is authorized to travel on the highways, would instead exempt the tow truck from that length limitation when the tow truck is operating under a valid annual transportation permit.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.



The people of the State of California do enact as follows:

SECTION 1. Section 2985.8 of the Civil Code is amended to read:

2985.8. (a) Every lease contract shall be in writing and the print portion of the contract shall be printed in at least 8-point type and shall contain in a single document all of the agreements of the lessor and lessee with respect to the obligations of each party.

(b) At the top of the lease contract, a title which contains the words “LEASE CONTRACT” or “LEASE AGREEMENT” shall appear in at least 12-point bold type.

(c) Every lease contract shall disclose all of the following:

(1) All of the information prescribed by Regulation M set forth in the manner required or permitted by Regulation M, whether or not Regulation M applies to the transaction.

(2) A separate statement labeled “Itemization of Gross Capitalized Cost” that shall appear immediately following or directly adjacent to the disclosures required to be segregated by Regulation M. The Itemization of Gross Capitalized Cost shall include all of the following and shall be circumscribed by a line:

(A) The agreed-upon value of the vehicle as equipped at the time of signing the lease.

(B) The agreed-upon value and a description of each accessory and item of optional equipment the lessor agrees to add to the vehicle after signing the lease.

(C) The premium for each policy of insurance.

(D) The amount charged for each service contract.

(E) Any charge for an optional debt cancellation agreement.

(F) Any outstanding prior credit or lease balance.

(G) An itemization by type and agreed-upon value of each good or service included in the gross capitalized cost other than those items included in the disclosures required in subparagraphs (A) to (F), inclusive.

(3) The vehicle identification number of the leased vehicle.

(4) A brief description of each vehicle or other property being traded in and the agreed-upon value thereof if the amount due at the time of signing the lease or upon delivery is paid in whole or in part with a net trade-in allowance or the “Itemization of Gross Capitalized Cost” includes any portion of the outstanding prior credit or lease balance from the trade-in property.

(5) The fee, if any, to be retained by the lessor for document preparation, which fee may not exceed forty-five dollars (\$45) and may not be represented as a governmental fee.

(6) The amount of any optional business partnership automation program fee to register or transfer the vehicle, which shall be labeled “Optional DMV Electronic Filing Fee.”

(d) Every lease contract shall contain, in at least 8-point bold type, above the space provided for the lessee’s signature and circumscribed by a line, the following notice: “(1) Do not sign this lease before you read it or if it contains any blank spaces to be filled in; (2) You are entitled to a completely filled in copy of this lease; (3) Warning—Unless a charge is included in this lease for public liability or property damage insurance, payment for that coverage is not provided by this lease.”

(e) Every lease contract shall contain, in at least 8-point bold type, on the first page of the contract and circumscribed by a line, the following notice:

“THERE IS NO COOLING OFF PERIOD

California law does not provide for a “cooling off” or other cancellation period for vehicle leases. Therefore, you cannot later cancel this lease simply because you change your mind, decided the vehicle costs too much, or wish you had acquired a different vehicle. You may cancel this lease only with the agreement of the lessor or for legal cause, such as fraud.”

(f) Every lease contract shall contain, in at least 8-point bold type, the following notice: “You have the right to return the vehicle, and receive a refund of any payments made if the credit application is not approved, unless nonapproval results from an incomplete application or from incorrect information provided by you.”

(g) The lease contract shall be signed by the lessor and lessee, or their authorized representatives, and an exact copy of the fully executed lease contract shall be provided to the lessee at the time of signing.

(h) No motor vehicle shall be delivered under a lease contract subject to this chapter until the lessor provides to the lessee a fully executed copy of the lease contract.

(i) The lessor may not obtain the signature of the lessee to a contract when it contains blank spaces to be filled in after it has been signed.

(j) If the lease contract contains a provision that holds the lessee liable for the difference between (1) the adjusted capitalized cost disclosed in the lease contract reduced by the amounts described in subparagraph (A) of paragraph (5) of subdivision (b) of Section 2987 and (2) the settlement proceeds of the lessee's required insurance and deductible in the event of theft or damage to the vehicle that results in a total loss, the lease contract shall contain the following notice in at least eight-point boldface type on the first page of the contract:

“GAP LIABILITY NOTICE

In the event of theft or damage to the vehicle that results in a total loss, there may be a GAP between the amount due upon early termination and the proceeds of your insurance settlement and deductible. **THIS LEASE PROVIDES THAT YOU ARE LIABLE FOR THE GAP AMOUNT.** Optional coverage for the GAP amount may be offered for an additional price.”

SEC. 2. Section 21670.3 of the Public Utilities Code is amended to read:

21670.3. (a) Sections 21670 and 21670.1 do not apply to the County of San Diego. In that county, the San Diego County Regional Airport Authority, as established pursuant to Section 170002, is responsible for coordinating the airport planning of public agencies within the county and shall, on or before June 30, 2005, after reviewing the existing ~~comprehensive land use airport land use compatibility~~ plan adopted pursuant to Section 21675, adopt a ~~comprehensive land use~~ *an airport land use compatibility* plan.

(b) Any ~~comprehensive land use airport land use compatibility~~ plan developed pursuant to Section 21675 and adopted pursuant to Section 21675.1 by the San Diego Association of Governments shall remain in effect until June 30, 2005, unless the San Diego County Regional Airport Authority adopts a plan prior to that date pursuant to subdivision (a).

1 *SEC. 3. Section 21674.5 of the Public Utilities Code is*
2 *amended to read:*

3 21674.5. (a) The Department of Transportation shall develop
4 and implement a program or programs to assist in the training and
5 development of the staff of airport land use commissions, after
6 consulting with airport land use commissions, cities, counties, and
7 other appropriate public entities.

8 (b) The training and development program or programs are
9 intended to assist the staff of airport land use commissions in
10 addressing high priority needs, and may include, but need not be
11 limited to, the following:

12 (1) The establishment of a process for the development and
13 adoption of airport land use compatibility plans.

14 (2) The development of criteria for determining ~~airport land~~
15 ~~use planning boundaries~~ *the airport influence area.*

16 (3) The identification of essential elements that should be
17 included in the airport land use compatibility plans.

18 (4) Appropriate criteria and procedures for reviewing proposed
19 developments and determining whether proposed developments
20 are compatible with the airport use.

21 (5) Any other organizational, operational, procedural, or
22 technical responsibilities and functions that the department
23 determines to be appropriate to provide to commission staff and
24 for which it determines there is a need for staff training or
25 development.

26 (c) The department may provide training and development
27 programs for airport land use commission staff pursuant to this
28 section by any means it deems appropriate. Those programs may
29 be presented in any of the following ways:

30 (1) By offering formal courses or training programs.

31 (2) By sponsoring or assisting in the organization and
32 sponsorship of conferences, seminars, or other similar events.

33 (3) By producing and making available written information.

34 (4) Any other feasible method of providing information and
35 assisting in the training and development of airport land use
36 commission staff.

37 *SEC. 4. Section 21675 of the Public Utilities Code is amended*
38 *to read:*

39 21675. (a) Each commission shall formulate a
40 ~~comprehensive land use~~ *an airport land use compatibility plan*

1 that will provide for the orderly growth of each public airport and
2 the area surrounding the airport within the jurisdiction of the
3 commission, and will safeguard the general welfare of the
4 inhabitants within the vicinity of the airport and the public in
5 general. The ~~commission~~ *commission's airport land use*
6 *compatibility* plan shall include and shall be based on a long-range
7 master plan or an airport layout plan, as determined by the
8 Division of Aeronautics of the Department of Transportation, that
9 reflects the anticipated growth of the airport during at least the next
10 20 years. In formulating ~~a~~ *an airport land use compatibility* plan,
11 the commission may develop height restrictions on buildings,
12 specify use of land, and determine building standards, including
13 soundproofing adjacent to airports, within the ~~planning~~ *airport*
14 *influence* area. The ~~comprehensive land-use~~ *airport land use*
15 *compatibility* plan shall be reviewed as often as necessary in order
16 to accomplish its purposes, but shall not be amended more than
17 once in any calendar year.

18 (b) The commission shall include, within its *airport land use*
19 *compatibility* plan formulated pursuant to subdivision (a), the area
20 within the jurisdiction of the commission surrounding any military
21 airport for all of the purposes specified in subdivision (a). The
22 *airport land use compatibility* plan shall be consistent with the
23 safety and noise standards in the Air Installation Compatible Use
24 Zone prepared for that military airport. This subdivision does not
25 give the commission any jurisdiction or authority over the territory
26 or operations of any military airport.

27 (c) The ~~planning boundaries~~ *airport influence area* shall be
28 established by the commission after hearing and consultation with
29 the involved agencies.

30 (d) The commission shall submit to the Division of
31 Aeronautics of the department one copy of the *airport land use*
32 *compatibility* plan and each amendment to the plan.

33 (e) If ~~a comprehensive land-use~~ *an airport land use*
34 *compatibility* plan does not include the matters required to be
35 included pursuant to this article, the Division of Aeronautics of the
36 department shall notify the commission responsible for the plan.

37 SEC. 5. Section 21675.1 of the Public Utilities Code is
38 amended to read:

39 21675.1. (a) By June 30, 1991, each commission shall adopt
40 the airport land use compatibility plan required pursuant to Section

21675, except that any county that has undertaken by contract or otherwise completed airport land use compatibility plans for at least one-half of all public use airports in the county, shall adopt that airport land use compatibility plan on or before June 30, 1992.

(b) Until a commission adopts an airport land use compatibility plan, a city or county shall first submit all actions, regulations, and permits within the vicinity of a public airport to the commission for review and approval. Before the commission approves or disapproves any actions, regulations, or permits, the commission shall give public notice in the same manner as the city or county is required to give for those actions, regulations, or permits. As used in this section, “vicinity” means land that will be included or reasonably could be included within the airport land use compatibility plan. If the commission has not designated a study ~~a study~~ *an airport influence* area for the airport land use compatibility plan, then “vicinity” means land within two miles of the boundary of a public airport.

(c) The commission may approve an action, regulation, or permit if it finds, based on substantial evidence in the record, all of the following:

(1) The commission is making substantial progress toward the completion of the airport land use compatibility plan.

(2) There is a reasonable probability that the action, regulation, or permit will be consistent with the airport land use compatibility plan being prepared by the commission.

(3) There is little or no probability of substantial detriment to or interference with the future adopted airport land use compatibility plan if the action, regulation, or permit is ultimately inconsistent with the airport land use compatibility plan.

(d) If the commission disapproves an action, regulation, or permit, the commission shall notify the city or county. The city or county may overrule the commission, by a two-thirds vote of its governing body, if it makes specific findings that the proposed action, regulation, or permit is consistent with the purposes of this article, as stated in Section 21670.

(e) If a city or county overrules the commission pursuant to subdivision (d), that action shall not relieve the city or county from further compliance with this article after the commission adopts the airport land use compatibility plan.

(f) If a city or county overrules the commission pursuant to subdivision (d) with respect to a publicly owned airport that the city or county does not operate, the operator of the airport is not liable for damages to property or personal injury resulting from the city's or county's decision to proceed with the action, regulation, or permit.

(g) A commission may adopt rules and regulations that exempt any ministerial permit for single-family dwellings from the requirements of subdivision (b) if it makes the findings required pursuant to subdivision (c) for the proposed rules and regulations, except that the rules and regulations may not exempt either of the following:

(1) More than two single-family dwellings by the same applicant within a subdivision prior to June 30, 1991.

(2) Single-family dwellings in a subdivision where 25 percent or more of the parcels are undeveloped.

SEC. 6. Section 100.21 of the Streets and Highways Code is amended to read:

100.21. (a) Whenever a street or highway closing agreement is required by Section 100.2, the department shall not acquire, except by gift, and except in hardship or protective cases as determined by the department or the commission, any real property for a freeway through a city until an agreement is first executed with the city council, or for a freeway through unincorporated territory in a county until an agreement is first executed with the board of supervisors. The department shall give notice to the city council or the board of supervisors, as the case may be, of any acquisition of real property prior to the execution of an agreement.

(b) Notwithstanding subdivision (a), a city council, *or a county board of supervisors* may, by resolution, authorize the purchase of rights-of-way prior to approval of an agreement if the purchase is limited to the main line corridor of the proposed freeway and the alignment of the freeway is not at issue.

SEC. 7. Section 1730 of the Streets and Highways Code is amended to read:

1730. (a) No ordinance of a city relating to the stopping, standing or parking of a vehicle shall become effective as to a county highway established pursuant to this article within the city without prior submission to and approval by the board of

supervisors. No city shall erect or maintain any stop sign, semaphore or other traffic control signaling device in such manner as to require the traffic on any county highway established pursuant to this article within the city to stop before entering or crossing any intersecting street or any railroad grade crossing without permission of the board of supervisors.

(b) An ordinance adopted on or after January 1, 2005, by a county under Section 21960 of the Vehicle Code to prohibit or restrict pedestrian use of a portion of a county freeway or expressway contained within the limits of a city shall not become operative until approved by the city.

SEC. 8. Section 1953 of the Streets and Highways Code is amended to read:

1953. (a) A city or county may, by ordinance or resolution, adopt a golf cart transportation plan.

(b) The transportation plan shall have received a prior review and the comments of the appropriate transportation planning agency designated under subdivision (a) or (b) of Section 29532 of the Government Code and any agency having traffic law enforcement responsibilities in that city or county.

(c) The transportation plan shall not include the use of any state highway, or any portion thereof, *except as authorized by the department.*

SEC. 9. Section 314 is added to the Vehicle Code, to read:

314. An “expressway” is a portion of highway that is part of either of the following:

(a) An expressway system established by a county under Section 941.4 of the Streets and Highways Code.

(b) An expressway system established by a county before January 1, 1989, as described in subdivision (g) of Section 941.4 of the Streets and Highways Code.

SEC. 10. Section 11205.2 of the Vehicle Code is amended to read:

11205.2. (a) As used in this chapter, court assistance program (CAP) is a public or private nonprofit agency that provides services, under contract with a court, to process traffic violators.

(b) A court may use a CAP to assist the court in performing services related to the processing of traffic violators. As used in this section, “services” includes those services relating to the processing of traffic violators at, and for, the court.

(c) Whenever a CAP monitors a designated traffic violator school, the CAP shall follow the procedures set forth in subdivision (d) of Section 11214. The CAP shall send its monitoring report to the department for review, evaluation, processing and any further action determined necessary by the department. A copy of the report shall also be provided to the court. The role of a CAP is limited to that set forth in this chapter. Nothing in this chapter abrogates or limits the inherent powers of the courts under Article VI of the California Constitution.

(d) When a monitoring report is adverse, the CAP shall send a copy to the licensee within 30 days after the date of the monitoring. Copies of all other monitoring reports shall be available to a licensee upon request and payment of a fee. The fee may not exceed the cost of postage and photocopying.

(e) The department or a court may not remove the name of a traffic violator school that does not have a suspended or revoked license from any *part of a* student referral list published by the department or CAP pursuant to Section 11205, unless the school owner is *first* provided notice and the opportunity to request a hearing conducted by the department or a court, to determine whether there are sufficient grounds to warrant removal of the school's name. Any decision to remove a name may be appealed to any court of competent jurisdiction.

(f) In the event that a CAP, acting pursuant to a contract with a court, audits or inspects the records of a traffic violator school, the CAP shall use the same process and procedures used by the department to conduct the audit or inspection.

(g) This section does not preclude a court from entering into a contract with public or private nonprofit agencies to provide services to the court, other than those described in this section.

SEC. 11. Section 13370 of the Vehicle Code is amended to read:

13370. (a) The department shall deny or revoke a schoolbus, school pupil activity bus, general public paratransit vehicle, *or* youth bus driver certificate, or a certificate for a vehicle used for the transportation of developmentally disabled persons, if any of the following causes apply to the applicant or certificate holder:

(1) Has been convicted of ~~any~~ a sex offense as defined in Section 44010 of the Education Code.

1 (2) Has been convicted, within the two years preceding the
2 application date, of ~~any~~ *an* offense specified in Section 11361.5 of
3 the Health and Safety Code.

4 (3) Has failed to meet prescribed training requirements for
5 certificate issuance.

6 (4) Has failed to meet prescribed testing requirements for
7 certificate issuance.

8 (5) *Has been convicted of a violent felony listed in subdivision*
9 *(c) of Section 667.5 of the Penal Code, or a serious felony listed*
10 *in subdivision (c) of Section 1192.7 of the Penal Code. This*
11 *paragraph shall not be applied to revoke a license that was valid*
12 *on January 1, 2005, unless the certificate holder is convicted for*
13 *an offense that is committed on or after that date.*

14 (b) The department may deny, suspend, or revoke a schoolbus,
15 school pupil activity bus, general public paratransit vehicle, or
16 youth bus driver certificate, or a certificate for a vehicle used for
17 the transportation of developmentally disabled persons if any of
18 the following causes apply to the applicant or certificate holder:

19 (1) Has been convicted of ~~any~~ *a* crime specified in Section
20 44424 of the Education Code within the seven years preceding the
21 application date. This paragraph does not apply if denial is
22 mandatory.

23 (2) Has committed ~~any~~ *an* act involving moral turpitude.

24 (3) Has been convicted of ~~any~~ *an* offense, not specified in this
25 section and other than a sex offense, that is punishable as a felony,
26 within the seven years preceding the application date.

27 (4) Has been dismissed as a driver for a cause relating to pupil
28 transportation safety.

29 (5) Has been convicted, within the seven years preceding the
30 application date, of ~~any~~ *an* offense relating to the use, sale,
31 possession, or transportation of narcotics, habit-forming drugs, or
32 dangerous drugs, except as provided in paragraph (3) of
33 subdivision (a).

34 (c) (1) Reapplication following denial or revocation under
35 paragraph (1), (2), or (3) of subdivision (a) or (b) may be made
36 after a period of not less than one year from the effective date of
37 denial or revocation.

38 (2) Reapplication following denial or revocation under
39 paragraph (4) of subdivision (a) may be made after a period of not

1 less than 45 days from the date of the applicant's third testing
2 failure.

3 (3) An applicant or holder of a certificate may reapply for a
4 certificate whenever a felony or misdemeanor conviction is
5 reversed or dismissed. A termination of probation and dismissal of
6 charges pursuant to Section 1203.4 of the Penal Code or a
7 dismissal of charges pursuant to Section 1203.4a of the Penal Code
8 is not a dismissal for purposes of this section.

9 *SEC. 12. Section 21960 of the Vehicle Code is amended to*
10 *read:*

11 21960. (a) The Department of Transportation and local
12 authorities ~~may~~, by order, ordinance, or resolution, with respect
13 to freeways, *expressways*, or designated portions thereof under
14 their respective jurisdictions, to which ~~all rights of access have~~
15 ~~been acquired~~ *vehicle access is completely or partially controlled,*
16 *may* prohibit or restrict the use of the freeways, *expressways*, or
17 any portion thereof by pedestrians, bicycles or other nonmotorized
18 traffic or by any person operating a motor-driven cycle, motorized
19 bicycle, or motorized scooter. ~~Any~~ A prohibition or restriction
20 pertaining to bicycles, motor-driven cycles, or motorized scooters,
21 shall be deemed to include motorized bicycles; and no person may
22 operate a motorized bicycle wherever that prohibition or
23 restriction is in force. Notwithstanding any provisions of any
24 order, ordinance, or resolution to the contrary, the driver or
25 passengers of a disabled vehicle stopped on a freeway *or*
26 *expressway* may walk to the nearest exit, in either direction, on that
27 side of the freeway *or expressway* upon which the vehicle is
28 disabled, from which telephone or motor vehicle repair services
29 are available.

30 (b) The prohibitory regulation authorized by subdivision (a)
31 shall be effective when appropriate signs giving notice thereof are
32 erected upon any freeway *or expressway* and the approaches
33 thereto. *If any portion of a county freeway or expressway is*
34 *contained within the limits of a city within the county, the county*
35 *may erect signs on that portion as required under this subdivision*
36 *if the ordinance has been approved by the city pursuant to*
37 *subdivision (b) of Section 1730 of the Streets and Highways Code.*

38 (c) No ordinance or resolution of local authorities shall apply
39 to any state highway until the proposed ordinance or resolution has

been presented to, and approved in writing by, the Department of Transportation.

(d) An ordinance or resolution adopted under this section on or after January 1, 2005, to prohibit pedestrian access to a county freeway or expressway shall not be effective unless it is supported by a finding by the local authority that the freeway or expressway does not have pedestrian facilities and pedestrian use would pose a safety risk to the pedestrian.

SEC. 13. Section 35401 of the Vehicle Code is amended to read:

35401. (a) Except as provided in subdivisions (b), (c), and (d), no combination of vehicles coupled together, including any attachments, may exceed a total length of 65 feet.

(b) (1) A combination of vehicles coupled together, including any attachments, which consists of a truck tractor, a semitrailer, and a semitrailer or trailer, may not exceed a total length of 75 feet, if the length of neither the semitrailers nor the trailer in the combination of vehicles exceeds 28 feet 6 inches.

(2) A B-train assembly is excluded from the measurement of semitrailer length when used between the first and second semitrailers of a truck tractor-semitrailer-semitrailer combination of vehicles. However, if there is no second semitrailer mounted to the B-train assembly, it shall be included in the length measurement of the semitrailer to which it is attached.

(3) A combination of vehicles coupled together, including any attachments, may have a total length of not more than 75 feet, if all of the following apply:

(A) The combination of vehicles consists of a motortruck and two trailers.

(B) No trailer in the combination exceeds 28 feet 6 inches in length.

(C) The combination is used exclusively to transport agricultural products from the field to the first point of handling and return, and each direction of transport does not exceed 80 miles.

(D) The combination is not operated on a highway designated by the United States Department of Transportation as a national network route.

(E) The Department of the California Highway Patrol, in consultation with the Department of Transportation, shall conduct

1 a study of the effect that the exemption provided in paragraph (3)
2 has on public safety. The Department of the California Highway
3 Patrol shall report the results of the study to the Legislature and the
4 Governor on or before April 1, 2005.

5 (F) This paragraph shall become inoperative on January 1,
6 2006, unless a later enacted statute deletes or extends that date.

7 (c) ~~(1) A tow truck in combination with any of the following~~
8 ~~vehicles authorized to travel on the highway by this chapter is~~
9 ~~exempt from subdivision (a) when operating under a valid annual~~
10 ~~transportation permit and within a 100-mile radius of the location~~
11 ~~specified in the permit:~~

12 ~~(1) A disabled vehicle.~~

13 ~~(2) An abandoned vehicle.~~

14 ~~(3) A disabled or abandoned combination of vehicles.~~

15 ~~A tow truck in combination with the above vehicles a single~~
16 ~~disabled vehicle or a single abandoned vehicle that is authorized~~
17 ~~to travel on the highways by this chapter is exempt from~~
18 ~~subdivision (a) when operating under a valid annual~~
19 ~~transportation permit.~~

20 (2) A tow truck, in combination with a disabled or abandoned
21 combination of vehicles that are authorized to travel on the
22 highways by this chapter, is exempt from subdivision (a) when
23 operating under a valid annual transportation permit and within
24 a 100-mile radius of the location specified in the permit.

25 (3) A tow truck may exceed the 100-mile radius restriction
26 imposed under paragraph (2) if a single trip permit is obtained
27 from the Department of Transportation.

28 (d) Any city or county may, by ordinance, prohibit a
29 combination of vehicles of a total length in excess of 60 feet upon
30 highways under its respective jurisdiction. The ordinance may not
31 be effective until appropriate signs are erected indicating either the
32 streets affected by the ordinance or the streets not affected, as the
33 local authority determines will best serve to give notice of the
34 ordinance.

35 (e) Any city or county, upon a determination that a highway or
36 portion of highway under its jurisdiction cannot, in consideration
37 of public safety, sustain the operation of trailers or semitrailers of
38 the maximum kingpin to rearmost axle distances permitted under
39 Section 35400, may, by ordinance, establish lesser distances
40 consistent with the maximum distances that the highway or

highway portion can sustain, except that a city or county may not restrict the kingpin to rearmost axle measurement to less than 38 feet on those highways or highway portions. Any city or county considering the adoption of an ordinance shall consider, but not be limited to, consideration of, all of the following:

(1) A comparison of the operating characteristics of the vehicles to be limited as compared to operating characteristics of other vehicles regulated by this code.

(2) Actual traffic volume.

(3) Frequency of accidents.

(4) Any other relevant data.

In addition, the city or county may appoint an advisory committee consisting of local representatives of those interests which are likely to be affected and shall consider the recommendations of the advisory committee in adopting the ordinance. The ordinance may not be effective until appropriate signs are erected indicating the highways or highway portions affected by the ordinance.

This subdivision shall only become operative upon the adoption of an enabling ordinance by a city or county.

(f) Whenever, in the judgment of the Department of Transportation, any state highway cannot, in consideration of public safety, sustain the operation of trailers or semitrailers of the maximum kingpin to rearmost axle distances permitted under Section 35400, the director, in consultation with the Department of the California Highway Patrol, shall compile data on total traffic volume, frequency of use by vehicles covered by this subdivision, accidents involving these vehicles, and other relevant data to assess whether these vehicles are a threat to public safety and should be excluded from the highway or highway segment. The study, containing the conclusions and recommendations of the director, shall be submitted to the Secretary of the Business, Transportation and Housing Agency. Unless otherwise notified by the secretary, the director shall hold public hearings in accordance with the procedures set forth in Article 3 (commencing with Section 35650) of Chapter 5 for the purpose of determining the maximum kingpin to rear axle length, which shall be not less than 38 feet, that the highway or highway segment can sustain without unreasonable threat to the safety of the public. Upon the basis of the findings, the Director of Transportation shall declare in writing

1 the maximum kingpin to rear axle lengths which can be maintained
2 with safety upon the highway. Following the declaration of
3 maximum lengths as provided by this subdivision, the Department
4 of Transportation shall erect suitable signs at each end of the
5 affected portion of the highway and at any other points that the
6 Department of Transportation determines to be necessary to give
7 adequate notice of the length limits.

8 The Department of Transportation, in consultation with the
9 Department of the California Highway Patrol, shall compile traffic
10 volume, geometric, and other relevant data, to assess the
11 maximum kingpin to rearmost axle distance of vehicle
12 combinations appropriate for those state highways or portion of
13 highways, affected by this section, that cannot safely
14 accommodate trailers or semitrailers of the maximum kingpin to
15 rearmost axle distances permitted under Section 35400. On or
16 before January 1, 1989, the department shall erect suitable signs
17 appropriately restricting truck travel on those highways, or
18 portions of highways, and report its findings and
19 recommendations to the Legislature.

20 *SEC. 14. Notwithstanding Section 17610 of the Government*
21 *Code, if the Commission on State Mandates determines that this*
22 *act contains costs mandated by the state, reimbursement to local*
23 *agencies and school districts for those costs shall be made*
24 *pursuant to Part 7 (commencing with Section 17500) of Division*
25 *4 of Title 2 of the Government Code. If the statewide cost of the*
26 *claim for reimbursement does not exceed one million dollars*
27 *(\$1,000,000), reimbursement shall be made from the State*
28 *Mandates Claims Fund.*

